



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 16, 2005

REPORT NO. HO-05-007

ATTENTION: Hearing Officer

SUBJECT: ABBOTT STREET MAP WAIVER
PROJECT NUMBER: 39170

LOCATION: 2125 Abbott Street and 5089 Long Branch Avenue

APPLICANT: Robert J. Bateman, San Diego Land Surveying and Engineering
Thomas Blamey, Owner

SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit (CDP) 11406, Map Waiver 11407 to waive the requirements for a Tentative Map, and a Waiver for undergrounding utilities to convert two existing residential units to condominiums?

Staff Recommendation - APPROVE Coastal Development Permit No. 11406, Map Waiver 11407, and Waiver of Undergrounding Utilities.

Community Planning Group Recommendation – On February 2, 2005 the Ocean Beach Community Planning Board voted 8-0-0, to approve the CDP, Map Waiver and Waiver of Undergrounding Utilities.

Environmental Review – The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines.

BACKGROUND

The project site consists of two for-rent residential units in two buildings at 2125 Abbott Street (a two-story, 1,200 square foot plaster building) and 5089 Long Branch Avenue (a one-story, 700 square foot plaster building). The Assessors Parcel Number is 448-114-01. The project location is between Long Branch Avenue and Brighton Avenue within the Ocean Beach Community Plan in an area designated for multi-family residential use and zoned RM-2-4 (Residential – Multiple Unit) with a maximum density of 1 dwelling unit per 1,750 feet of lot area. The structure was originally built in 1950. One of the units is currently occupied by the

owner, and one on a short-term lease. The project site is bordered by residential uses on all sides. The project would provide for 1,900 square feet of living unit area.

DISCUSSION

This project proposes to convert the two rental residential units to for-sale residential units. The existing legal single lot is proposed to be subdivided into two condominium ownership interests. The 4,009 square foot (0.092 acre) site is zoned RM-2-4. The zone was applied in January 2000. Previous zoning of the site included the R-1750 zone applied in April 1985 and the “C” zone established in April 1930. The project is within the Coastal Overlay Zone, the Coastal (30 foot) Height Limit, Parking Impact, the Airport Environs and Airport Approach Overlay Zones. Future expansion or redevelopment of the project site would be subject to review under these regulations as outlined in Chapter 13, Article 2, Divisions 2, 3, 4, 5 and 8 of the Municipal Code.

The existing two unit development was constructed in the 1950s. At that time the site was zoned “C” and permitted two units. It is assumed development met regulations in effect at that time of construction. No on-site parking was required in the 1950s. Although two spaces were provided at the time of construction, the property does not meet current parking requirements and may not conform to other current development standards. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The Ocean Beach Precise Plan (adopted July 3, 1975 by the City Council and updated September 20, 1983, May 14, 1986 and February 15, 1991) established residential dwelling unit guidelines for 25 dwelling units/acre (du/ac) allowable up to 38 du/ac in this area of North Ocean Beach. The three unit project was constructed in the 1950s on 0.08 acres prior to the establishment of the Precise Plan and is therefore previously conforming at 32.6 du/ac.

The age of the structure exceeds 50 years. Future development on the site would be subject to review under Historical Resources Regulations as outlined in Chapter 14, Article 3, Division 2, of the Land Development Code. The project is exempt from the Coastal Overlay Zone Affordable Housing Replacement regulations per Section 143.0820(c) of the Land Development Code, which allows the conversion of residential structures containing fewer than 3 dwelling units. There are no Building or Zoning Code violations of record against this property.

The project applicant has requested waiver of the requirement to underground utilities in accordance with Council Policy 600-25 on November 15, 2004. The project qualifies for the waiver because:

- The conversion is a requirement of a condominium conversion permit of an existing development and the conversion would not represent a logical extension to an underground facility.
- The conversion would represent an isolated undergrounding with a minimum probability of extension in the future.
- The conversion involves a short span on overhead facility (less than a block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specified street or area.

The project meets all the required findings for a Coastal Development Permit in accordance with the City of San Diego Municipal Code at §126.0707(b).

All development would occur on private property, and would be within the 30-foot coastal height limit. Additionally, the proposed project will not encroach upon the adjacent existing physical access way used by the public nor will it adversely affect any proposed physical public accessway identified in the Local Coastal Program Land Use Plan. The subject property is not located within or near any designated public view corridors. Accordingly, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas as specified in the Local Coastal Program land use plan. The subdivision to condominium interests will not adversely affect Environmentally Sensitive Lands as no development is proposed. The proposed project conforms with the certified Ocean Beach Community Plan and Local Coastal Program which designates the site for multi-family residential use, and is consistent with the design guidelines, and development standards in effect for this site per the Coastal Overlay Zone (Non-Appealable Area), and Coastal Height Overlay Zone. The proposed project is not within the area between the first public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. No deviations or variances from the development regulations are required to implement the proposed project. The proposed coastal development will conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

A portion of the project is located within Zone A, Special Flood Hazard Area (no base flood elevation determined) as shown on Flood Insurance Rate Map, Panel No. 1613, dated as of June 19, 1997 and as shown in Exhibit A. Those portions of the property within Zone A would be subject to inundation. As an existing structure not subject to structural improvements with a value which would exceed 50% of the value of the existing structure, the San Diego Municipal Code Requirements at Section 143.0145 or 143.1046 apply and no effects beyond the existing conditions would result to the Area of Special Flood Hazard. Therefore, the proposed project would not adversely affect any environmentally sensitive lands.

Affordable Housing:

The project is subject to the Inclusionary Housing regulations. To meet the requirements of the inclusionary ordinance, the applicant will pay an in-lieu fee prior to receiving a parcel map/certificate of compliance. The project application was Deemed Complete on June 23, 2004; therefore the applicable fee for a project 10 units or less is \$0.50/square foot. Prior to the recordation of the Parcel Map, the subdivider shall pay an Inclusionary Affordable Housing In-Lieu Fee of \$950.00 [calculated as 1,900 square feet of unit area x \$0.50 per square foot] pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code at 142.1310, Table 142-13D; and DSD Information Bulletin 532).

In order to comply with the relocation requirements of the Condominium Conversion ordinance, a tenant income survey has been completed. At the time of the survey, there was one unit occupied by the owner and one unit rented by tenants who are not eligible for relocation benefits. The applicant will keep the Housing Commission apprised of any tenant changes in the rental unit and will either pay relocation benefits if applicable or enter into an agreement to demonstrate future conformance. This project is exempt from the Coastal Affordable Housing

Compliance program restrictions. Municipal Code Section 143.0820 defines exemptions from the Coastal Overlay Zone Affordable Housing Replacement Regulations, and states that the conversion or demolition of 10 or fewer dwelling units on a premise with more than one residential structure is exempt.

Noticing:

California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640). Both of the two units are currently occupied, one of which is occupied by the owner. The non-owner tenant has been adequately noticed. Government Code 66452.3, requires that a copy of the staff report be served to each tenant, on each lease 72-hours (3 calendar days) prior to the Hearing Officer hearing. This requirement will be fulfilled on or before January 14, 2005.

Conclusion:

Section 125.0120 of the City's Land Development Code establishes a discretionary process which allows an applicant to request and the Hearing Officer to consider a waiver of Map requirements for subdivision proposals which demonstrate compliance with the State's Subdivision Map Act. Staff has determined the proposed waiver conforms to the applicable requirements of the State's Subdivision Map Act Section 66428. Therefore, a Tentative Map may be waived for this project.

ALTERNATIVES

1. Approve, with modifications, Coastal Development Permit (CDP) 11406 and Map Waiver 11407.
2. Deny Coastal Development Permit (CDP) 11406 and Map Waiver 11407.

Respectfully submitted,

Cory Wilkinson, Development Project Manager

Attachments:

1. Site Location
2. Aerial Photo (1999)
3. Community Plan Land Use Map
4. Zone Map
5. Community Plan Density
6. 100-Year Floodway of North Ocean Beach
7. Map Drawing
8. Project Data
9. Project Data Sheet
10. Draft Permit with Conditions
11. Draft CDP Resolution with Findings
12. Draft MW Resolution with Findings
13. Community Planning Group Recommendation
14. Notice of Public Hearing
15. Ownership Disclosure
16. Project Chronology